

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 28 of 1998  
with  
CIVIL APPLICATION No. 406 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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EXECUTIVE ENGINEER (O&M)

Versus

HANSABEN SHANTILAL BHADESHIYA

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Appearance:

MR TUSHAR MEHTA for Appellants

MR YS LAKHANI for Respondent

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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 10/09/98

ORAL JUDGEMENT

1. These matters were taken up for final hearing today on a joint request made by learned counsel for the respective parties.
2. As a result of hearing and discussion, a consensus has been arrived at between the learned

counsel. It is to be noted that this consensus is based on the particular facts and circumstances of the present case. On the basis of the said consensus, it is directed that in case the plaintiff loses in the suit, he shall pay the outstanding amount of 40% of the disputed bill together with interest at the rate of 18% per annum ( as agreed to by learned counsel for the plaintiff). This payment shall be made within 30 days of the dismissal of the suit, as agreed to by learned counsel for the plaintiff.

3. However, in case the plaintiff succeeds in the suit, he may make a request to the trial court for refund of 60% of the amount deposited by her before the appellate authority, or refund of such amount to the extent of the plaintiff's success in the suit, together with an appropriate rate of interest on the amount claimed and found due to the plaintiff. In respect of such a claim made by the plaintiff, the trial court shall deal with the same on merits and in accordance with law.

4. In view of the aforesaid directions, no further orders are deemed necessary in the present appeal. The same is accordingly disposed off with no order as to costs. Similarly, the Civil Application is also disposed off with no order as to costs. Notice is discharged.

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Amp/-